



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 1, 2020

BY CM/ECF and Email

The Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Julio Alvarado*, 20 Cr. 199 (KMW)

Dear Chief Judge Gorenstein:

The Government writes to request a modification of the bail conditions for defendant Julio Alvarado in the above-captioned matter. Defense counsel consents to this modification.

On February 14, 2020, Julio Alvarado was arrested in the above-captioned case. That same day, he was presented and consented to detention after argument before the Honorable Robert W. Lehrburger. On March 19, 2020, Alvarado requested a bail hearing at which he would make a bail application. On March 23, 2020, the Honorable Kimba Wood referred a hearing on Alvarado's bail application to the Magistrate Court. On March 25, 2020, the Honorable Sarah L. Cave ordered that Alvarado be released on bail pending trial subject to the following conditions, which were agreed-upon by the parties:

- \$500,000 bond secured by three financially responsible persons;
- Home incarceration enforced by electronic monitoring as directed by PTS;
- Travel restricted to the Southern and Eastern Districts of New York;
- Surrender of all travel documents and no new applications;
- Pretrial Services supervision as directed;
- No contact with co-defendants (with the exception of Jorgelina Abreu Gil) outside the presence of counsel;
- No access to the personal identifying information of others;
- No new credit or financial accounts without the permission of Pretrial Services; and
- No contact with current or former employees of KJ Transportation, or others who worked on behalf of KJ including drivers or recruiters, or anyone else with knowledge of KJ's operations who are reasonably foreseeable witnesses at trial.

ECF No. 66. Judge Cave ordered that Alvarado continue to be detained at the MCC until the above conditions are satisfied. *Id.*

The Government has learned that Alvarado is currently subject to quarantine at the MCC because another individual in Alvarado's unit tested positive for COVID-19. Given his quarantine status, pretrial services understandably may not meet with Alvarado to affix a location monitoring

device, courthouse employees understandably may not permit the defendant to enter the courthouse to sign the bond at this time and, the U.S. Marshals understandably may not transport him to the courthouse to sign the bond.

The Government now seeks a modification of the conditions of Alvarado's release to permit his release subject to the following conditions:

- Defense counsel will sign Alvarado's bond on his behalf and certify in writing to the Court that (i) the defendant has authorized defense counsel to sign on his behalf, (ii) defense counsel has explained the conditions of temporary release to the defendant, and (iii) the defendant has represented to his attorney that he fully understands and intends to comply with those conditions;¹
- Each day Alvarado is released without a location monitoring bracelet, he will contact his Pretrial Services officer for a brief check-in; and
- On April 13, 2020, if Alvarado remains free of any symptoms of COVID-19, he will visit the Pretrial Services office to be fitted for a location monitoring bracelet and to receive the necessary items to set up location monitoring in his residence.

Defense counsel has consented to the proposed modification. This modification does not alter the condition of home incarceration previously set by Judge Cave.

We thank the Court for its consideration of this matter.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: /s/ Kedar S. Bhatia
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¹ Defense counsel may sign Alvarado's bond electronically and return an electronic copy of the signed bond to the U.S. Attorney's Office and the magistrate court clerk's office.